

2013 OCT 24 PM 4: 27

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

LEEANN FLYNN HALL
CLERK OF COURT

IN RE ORDERS OF THIS COURT
INTERPRETING SECTION 215
OF THE PATRIOT ACT

)
)
)
)

Docket No.: Misc. 13-02

**Submission of the United States in Response to
the Court's October 8, 2013 Order**

In its September 13, 2013 Opinion and Order, the Court directed the United States to identify those opinions of this Court that evaluate the meaning, scope, and constitutionality of Section 215 of the Patriot Act, 50 U.S.C. § 1861, that are at issue in ongoing Freedom of Information Act ("FOIA") litigation in the U.S. District Court for the Southern District of New York. Opinion and Order, at 1, 18. The Court also directed the United States to identify any such opinions that are not at issue in the FOIA litigation or already subject to the Court's publication process pursuant to Rule 62(a) of the Court's Rules of Procedure, and to propose a timetable to complete declassification review of any such opinions. Opinion and Order, at 18.

On October 4, 2013, the Government filed a submission in response to the Court's September 13, 2013 Opinion and Order, and moved for a stay of further proceedings due to lapsed appropriations. The Government identified, *inter alia*, the Opinion issued in Docket Number BR 13-25 on February 19, 2013, as one that contains "analysis by this Court evaluating the meaning, scope, and/or constitutionality" of Section 215 of the USA PATRIOT Act, 50 U.S.C. § 1861, and that is not at issue in the FOIA litigation in the Southern District of New York. Submission at 2.

On October 8, 2013, the Court granted the Government's motion for a stay of further proceedings. The Court also directed the Government to submit to the Court, within seven days of the restoration of appropriations, a proposed timetable for completing the declassification review of the Opinion issued in Docket Number BR 13-25 on February 19, 2013, and submitting to the Court any proposed redactions for the Opinion. The Government estimates that it will complete the declassification review of the Opinion and submit to the Court any proposed redactions by November 18, 2013.

October 24, 2013

Respectfully submitted,

JOHN P. CARLIN
Acting Assistant Attorney General
for National Security

J. BRADFORD WIEGMANN
Deputy Assistant Attorney General

TASHINA GAUHAR
Deputy Assistant Attorney General

/s/ Nicholas J. Patterson
JEFFREY M. SMITH
NICHOLAS J. PATTERSON
U.S. Department of Justice
National Security Division
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Phone: (202) 514-5600
Fax: (202) 514-8053

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Submission of the United States in Response to the Court's October 8, 2013 Order was served by the Government via Federal Express overnight delivery on this 24th day of October, 2013, addressed to:

Alex Abdo
Brett Max Kaufman
Patrick Toomey
Jameel Jaffer
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
aabdo@aclu.org

Arthur B. Spitzer
American Civil Liberties Union of the
Nation's Capital
4301 Connecticut Avenue, N.W., Suite 434
Washington, DC 20008
artspitzer@aclu-nca.org

David A. Schulz
Media Freedom and Information Access Clinic
Yale Law School
40 Ashmun Street, 4th Floor
New Haven, CT 06511
david.schulz@yale.edu

Gregory L. Diskant
Benjamin S. Litman
Richard I. Kim
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036
blitman@pbwt.com

/s/ Nicholas J. Patterson
Nicholas J. Patterson